

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

For The

2004 JUN - 1 District of

Massachusetts

Howard Kaplan
V.U.S. DISTRICT COURT
DISTRICT OF MASS

SUMMONS IN A CIVIL ACTION

Wend Management, Inc.,
Wendy's Old Fashioned
Hamburgers of New York04 10856 MEL
CASE NUMBER:JAMES A. MARSHES
FRANKLIN COUNTY SHERIFF

04/10/2004 PM 2:26

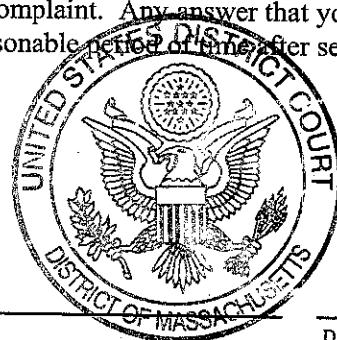
TO: (Name and address of Defendant)

Wendy's Old Fashioned Hamburgers of New York
4288 W. Dublin Granville Road
Dublin, OH 43017

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Shannon Liss-Riordan, Esq.
Rebecca G. Pontikes, Esq.
Pyle, Rome, Lichten and Ehrenberg, P.C.
18 Tremont Street, Suite 500
Boston, MA 02108

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.



TONY ANASTAS

CLERK

(By) DEPUTY CLERK

APR 29 2004

DATE

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RETURN OF SERVICE		
Service of the Summons and complaint was made by me ⁽¹⁾	DATE	5-11-04
NAME OF SERVER (PRINT)	TITLE	
Craig C. Rau	Deputy Sheriff	
Check one box below to indicate appropriate method of service		
<input type="checkbox"/> Served personally upon the defendant. Place where served: <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: <input type="checkbox"/> Returned unexecuted: <input checked="" type="checkbox"/> Other (specify): Served residentially to Windy's At 4288 W. Dublin Granville Rd. Dublin, OH		
STATEMENT OF SERVICE FEES		
TRAVEL pd	SERVICES pd	TOTAL \$0.00 pd
DECLARATION OF SERVER		
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.		
Executed on <u>5-18-04</u> Date	<u>C. C. Rau</u> Signature of Server	
<u>370 S. Front St. Columbus, OH 43215</u> Address of Server		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

FILED
IN CLERKS OFFICE

2004 JUN - 1 P 3:57 MAY 24 2004

U.S. DISTRICT COURT
DISTRICT OF MASS

State of Ohio }
 } ss
County of Franklin }
 }

AFFIDAVIT

I, Craig C. Rau, Deputy Sheriff of Franklin County, State of Ohio, make oath that on 5/11/2004, at 12:14 PM I served Wendy'S by Resident Service at 4288 W Dublin Granville, Dublin, with a true copy of the Summons, Complaint, in case number 0410856MEL.

C. C. Rau
Deputy Sheriff

Sworn to before me and signed in my presence this 18th of May, 2004.

Sue Ann Lawson
Notary Public, State of Ohio



SUE ANN LAWSON
NOTARY PUBLIC - STATE OF OHIO
My Commission Expires 1-9-08